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8 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

9  
10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ALEX EVANS,

14 Defendant.

Case No. 2:24-cr-00256-GMN-MDC

**GOVERNMENT'S MOTION FOR LEAVE  
TO DISMISS INDICTMENT**

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16 **CERTIFICATION:** This Motion is Timely Filed.

17 Pursuant to Rule 48(a), Fed. R. Crim. P., the United States respectfully moves for leave to  
18 dismiss the Indictment. As explained further in its supporting Memorandum, the government  
19 seeks dismissal based on defendant's poor health as it is the government's understanding that  
20 defendant currently resides in hospice care. Given this status, the government does not intend to  
21 pursue the prosecution of this case at this time and therefore seeks dismissal.  
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23

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. Procedural Posture.**

3 On August 9, 2024, the government filed a Criminal Complaint filed against defendant  
4 charging two felony counts in violation of 18 U.S.C. §§ 875(c) and 2262A(2)(B). On August 14,  
5 2024, defendant made his Initial Appearance on the Complaint (ECF No. 4). The Court released  
6 defendant on PR Bond with certain conditions (ECF No. 9).

7 On October 28, 2024, the Court conducted a Preliminary Hearing (ECF No. 28). The Court  
8 found probable cause existed and ordered the government to indict defendant.

9 Thereafter on November 26, 2024, the grand jury returned a two-count Indictment, charging  
10 the defendant with violations of 18 U.S.C. §§ 875(c) (Interstate Communications with Threat to  
11 Injury) (Count One) and 2261A(2)(B) (Cyberstalking) (Count Two) (ECF No. 31).

12 On January 21, 2025, the parties appeared for calendar call (ECF No. 51). At calendar call,  
13 defendant orally moved to dismiss the indictment for violations of the Speedy Trial Act (ECF No.  
14 51). The government responded to the motion in accordance with the Court's order (ECF No. 52).  
15 After defendant replied (ECF No. 59), the Court denied the motion (ECF No. 63).

16 Since defendant's indictment, the government has received information about defendant's  
17 health status. Specifically, the government has been provided with medical records showing that  
18 defendant currently resides in hospice care. *See* ECF No. 59, Exhibit F (Sealed). The government  
19 now seeks to dismiss the indictment.

20 **B. Legal Standard.**

21 Rule 48(a) of the Federal Rules of Criminal Procedure provides:

22 "The government may, with leave of court, dismiss an indictment, information, or  
23 complaint . . . ." The defendant's consent to the dismissal is not required when the motion is made

1 before trial. Rule 48(a), Fed. R. Crim. P.; *United States v. Friedman*, 107 F.R.D. 736, 739-41 (N.D.  
2 Ohio 1985) (holding no consent required for Rule 48(a) dismissal post-trial).

3 **C. Argument.**

4 The government seeks leave for dismissal based on defendant's current health status. Upon  
5 review of documents provided by the defense, and based on the historical context of this case, the  
6 government understands that the defendant currently resides in hospice care. Given this status, the  
7 government does not intend to pursue the prosecution of this case at this time and therefore seeks  
8 dismissal.

9 **D. Conclusion.**

10 **WHEREFORE**, for all the foregoing reasons, the government respectfully requests that the  
11 Court grant leave to dismiss the Indictment as to defendant Alex Evans and enter an Order of  
12 dismissal. For the Court's convenience, a draft proposed Order is provided.

13  
14 Respectfully submitted this 7th day of February 2025.

15 SUE FAHAMI  
16 Acting United States Attorney

17 /s/: Skyler H. Pearson  
18 Skyler H. Pearson  
19 Assistant United States Attorney  
20 *Attorneys for the United States*  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEX EVANS,

Defendant.

Case No. 2:24-cr-00256-GMN-MDC

**ORDER**

This matter coming before the Court on the government's Motion for Leave to Dismiss Indictment, the premises therein having been considered, and good cause showing, the government's Motion is hereby **GRANTED**.

It is therefore **ORDERED** that the Indictment shall be, and is, **DISMISSED**.

**IT IS SO ORDERED.**

**DATED** this 13 day of February, 2025.

  
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GLORIA M. NAVARRO  
UNITED STATES DISTRICT JUDGE